

REMARKS

A final Office Action was mailed on April 28, 2004. Claims 1 – 8 are currently pending in the application. Applicants amend claims 1, 2, 5 and 6, and file this Preliminary Amendment together with a Request for Continued Examination. No new matter is introduced.

REJECTION UNDER 35 U.S.C. §§ 102, 103

Claims 1 and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,752,244 to Rose et al. Claims 2 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rose in view of U.S. Patent No. 5,941,947 to Brown et al. Claims 3 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rose in view of Brown and U.S. Patent No. 6,219,701 to Hirata et al. Claims 4 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rose in view Brown and U.S. Patent No. 6,473,401 to Kong. Applicants amend claims 1, 2, 5 and 6 to clarify the nature of their invention, and respectfully traverse this rejection.

In a Response to a previous Office Action mailed February 19, 2004, Applicants provided the following remarks:

In independent claims 1 and 5, Applicants respectively disclose a server system and a program product for operating the server system to accept a user request for reading a file. The server system provides a web site for accepting a request for reading a file issued from a terminal of a user via a network to read out said requested file, and for transferring the file to said terminal of the user. The server includes: a) identification information accepting means for prompting a user to enter his/her identification information and for accepting the entered user identification information when the user requests access to the web site, b) identification information storage means for storing therein the accepted user identification information for a predetermined time period, and c) classification means for classifying the user specified based on the accepted identification information into any one of predetermined plural groups in accordance with a

counting result obtained by counting a number of the identification information stored in the identification information storage means, which is agreed with the identification information of the user accepted by the identification information accepting means.

Rose discloses a computerized multimedia asset management system for managing assets that can be checked out by users (see, e.g., abstract of Rose). The Examiner points out that the system of Rose provides a count of the number of times that an asset has been checked out for use (see, e.g., column 10, lines 2 – 6 of Rose), and means for classifying users by groups (see, e.g., column 7, lines 61 and 62). Rose neither discloses nor suggests any relationship between the means for counting asset use and the means for classifying users (for example, Rose does not disclose or suggest tracking asset usage by individual users, or disclose or suggest staff classifications based on asset usage).

In sharp contrast, Applicants' claimed invention is based on "a classification process for classifying the user specified based on the accepted identification information into any one of predetermined plural groups in accordance with a counting result obtained by counting a number of the identification information stored in the identification information storage means, which is agreed with the identification information of the user accepted by the identification information accepting means". In other words, Applicants' claimed invention requires a relationship established between the means for counting asset use and the means for classifying users. By classifying users according to a frequency or volume of access use, for example, Applicants invention provides a means for load balancing resources required to log individual access requests to the server on an individual user basis (see, e.g., page 3, lines 1 – 9 and page 4, lines 5 – 12 of Applicants' specification).

In an Office Action of April 28, 2004, the Examiner finds these argument to be unpersuasive, suggesting that the "mmf_asset table" disclosed by Rose tracks usage for each user by means of a "usage_count variable (see, e.g., column 9, line 17 of Rose). The Examiner further suggests that the "mmf_staff table" disclosed by Rose discloses Applicants' claimed classification means (see, e.g., column 7, lines 25 – 50 of Rose). In an Advisory Action of September 21, 2004, the Examiner essentially repeats these arguments. Applicants respectfully disagree.

Rose discloses a relational database structure including three types of tables: a project table, a staff table and an asset tables (see, e.g., column 5, lines 9 – 17 of Rose). The staff table (“mmf_staff table”) contains an entry for each user, including a “user_level” field that classifies the user by job function (see, e.g., column 7, lines 60 – 64). This lies in sharp contrast to Applicants’ claimed counting means as claimed in amended independent claims 1 and 5, which classifies a user according to a counting result obtained by “counting the number of entries for acceptance of user identification information stored in the identification information storage means”. In other words, and in sharp contrast to Applicants’ claimed invention, the classification taught by Rose is not in any way based on a counting result.

The Examiner apparently suggests that Rose effectively teaches a mechanism for counting by user by disclosing an asset table (“mmf_asset table”) in combination with the staff table. Applicants respectfully disagree.

Rose’s asset table includes a plurality of tables organized by asset type. Each of the plurality of tables contains entries for each asset of a pertinent asset type (see, e.g., column 5, lines 23 – 29). Each asset table further includes a “usage_count” field that contains “a count of the number of times the asset has been checked out” (see, e.g., column 10, lines 2 – 4) and a “modified_by” field that identifies a person making a last change to the asset (see, e.g., column 9, lines 55 - 57). However, unlike Applicants’ claimed invention, Rose nowhere discloses any means by which the “usage_count” field of the asset table may be correlated with the “user_id” field of the staff table in order to enable Applicants’ claimed counting result obtained by counting the number of entries for acceptance of user identification information stored in the identification information storage means. Once again, Applicants submit that, unlike Applicant’s claimed invention, Rose’s disclosed “user_level” field is not populated with an entry based on a

counting result based on a number of acceptances of user identification information. Rather, the classifications disclosed by Rose relate instead to user job type.

Accordingly, Applicants respectfully submit that independent claims 1 and 5 are not anticipated by Rose, and are therefore allowable. As claims 2 - 4 and 6 - 8 depend from allowable claims 1 and 5, Applicants further submit that claims 2 - 4 and 6 - 8 are allowable for at least this reason.

CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1 - 8, consisting of independent claims independent claims 1 and 5 and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



Thomas J. Bean
Reg. No. 44,528

CUSTOMER NUMBER 026304

Katten Muchin Zavis Rosenman
575 Madison Avenue
New York, NY 10022-2585
(212) 940-8729
Docket No: SCET 18.698(100809-16254)
TJB:pm